

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

|                 |   |                           |
|-----------------|---|---------------------------|
| Michael Breyan, | ) | C/A No.: 3:24-984-BHH-SVH |
|                 | ) |                           |
| Plaintiff,      | ) |                           |
|                 | ) |                           |
| vs.             | ) | ORDER                     |
|                 | ) |                           |
| Wesfargo,       | ) |                           |
|                 | ) |                           |
| Defendant.      | ) |                           |
|                 | ) |                           |

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This is a civil action filed by a civil detainee. Therefore, in the event that a limitations issue arises, Plaintiff shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266 (1988) (holding a prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to District Court). Under Local Civ. Rule 73.02(B)(2)(e) (D.S.C.), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

**PAYMENT OF THE FILING FEE:**

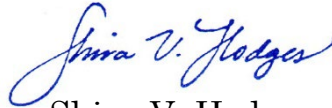
Plaintiff's motion for leave to proceed in forma pauperis ("IFP") has previously been granted. The court notes Plaintiff proceeds IFP subject to the court's right to require a payment if Plaintiff's financial condition changes, and to tax fees and costs against Plaintiff at the conclusion of this case if the court finds the case to be without merit. *See Flint v. Haynes*, 651 F.2d 970, 972-74 (4th Cir. 1981).

**TO THE CLERK OF COURT:**

This case is subject to summary dismissal based on an initial screening conducted pursuant to 28 U.S.C. §1915 and/or 28 U.S.C. § 1915A. The Clerk of Court is directed not to issue the summons or forward this matter to the United States Marshal for service of process at this time.

IT IS SO ORDERED.

February 28, 2024  
Columbia, South Carolina



Shiva V. Hodges  
United States Magistrate Judge